

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DONALD MICHAEL HUTMAN,

Civil File No. 06-2241 (DWF/SRN)

Plaintiff,

v.

REPORT AND RECOMMENDATION

SIX UNKNOWN NAMES AGENTS,

Defendant.

This action was commenced in the United States District Court for the Eastern District of California, but the case was later transferred to this District, because it appeared to involve claims that arose in Minnesota. The matter has been referred to this Court for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1.

The named Plaintiff in this action is an inmate at the Federal Correctional Institution in Waseca, Minnesota, ("FCI-Waseca"). The Court has learned, however, that the action probably was not commenced by the named Plaintiff, but rather, this action, (along with several others), was commenced by another inmate at FCI-Waseca, without the knowledge or consent of the named Plaintiff. (That other inmate apparently has been transferred to another institution, presumably because of his bogus litigation activities.)

As far as the Court can tell, the named Plaintiff has never filed any documents in this action, and he apparently has no interest in prosecuting this action. The Court will therefore recommend that this action be summarily dismissed without prejudice, unless the named Plaintiff files a timely objection to this Report and Recommendation, explaining why this action should go forward. See Link v. Wabash Railroad Co., 370 U.S. 626, 630-31

(1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

Based upon the above, and upon all the files, records, and proceedings herein,

IT IS RECOMMENDED that:

This action be summarily dismissed without prejudice.

Dated: September 26, 2006

s/ Susan Richard Nelson
SUSAN RICHARD NELSON
United States Magistrate Judge

Under D. Minn. LR 72.2(b) any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **October 13, 2006**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable to the Circuit Court of Appeals.